UNITED NATIONS **A**

General Assembly

Distr.
LIMITED

A/C.3/48/L.13/Rev.1
24 November 1993
ENGLISH
ORIGINAL: FRENCH

Forty-eighth session
THIRD COMMITTEE
Agenda item 107

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Algeria*: revised draft resolution

Third Decade to Combat Racism and Racial Discrimination

The General Assembly,

Reaffirming its objectives set forth in the Charter of the United Nations to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling the Universal Declaration of Human Rights, 1/ the International Convention on the Elimination of All Forms of Racial Discrimination, 2/ the International Convention on the Suppression and Punishment of the Crime of Apartheid 3/ and the Convention against Discrimination in Education, adopted by

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* Submitted on behalf of the States Members of the United Nations that are members of the Group of African States.

1/ Resolution 217 A (III).

2/ Resolution 2106 A (XX), annex.

3/ Resolution 3068 (XXVIII), annex.

the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, 4/

Recalling also the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 and, in particular, the attention given to the Programme of Action for the Elimination of Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance,

Welcoming also the decision by the Economic and Social Council, to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 5/

Recalling its resolution 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Deeply concerned about the current trend of the evolution of racism into discriminatory practices based on culture, nationality, religion or language,

Recalling, in particular, its resolution 47/77 of 16 December 1992,

Having considered the report 6/ submitted by the Secretary-General within the framework of the implementation of the Programme of Action for the Second Decade,

Firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Welcoming the proposal to launch the Third Decade to Combat Racism and Racial Discrimination,

Also convinced of the need to ensure and support the peaceful transition towards a democratic and non-racial South Africa,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony,

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4/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eleventh Session, Resolutions, p. 119.

5/ Economic and Social Council decision 1993/258 (see E/1993/INF/6).

6/ A/48/423.

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 7/

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 8/ unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

1. Declares once again that all forms of racism and racial discrimination, whether in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority and/or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Decides to proclaim a Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade;

3. Calls upon Governments to cooperate with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to enable him to fulfil his mandate;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by adapting constantly the methods provided to combat them, especially in the legislative, administrative, educational and information fields;

5. Decides that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the Third Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid;

6. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

7/ Resolution 45/158, annex.

8/ Resolution S-16/1, annex.

7. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, in view of its possible entry into force;

8. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the fields of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous peoples;

10. Also requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

11. Renews its invitation to the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

12. Considers that all the parts of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be given equal attention in order to attain the objectives of the Third Decade;

13. Regrets that some of the activities scheduled for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

14. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1994-1995;

15. Also requests the Secretary-General to accord the highest priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination that aim at monitoring the transition from apartheid to a non-racist society in South Africa;

16. Requests the Secretary-General to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies analysing information received on such activities to combat racism and racial discrimination;

17. Invites the Secretary-General to submit proposals to the General Assembly with a view to supplementing, if necessary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

18. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

19. Also invites all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action to Combat Racism and Racial Discrimination and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives;

20. Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of highest priority at its forty-ninth session.

Annex

PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (1993-2003)

Introduction

1. It is suggested that the goals and objectives of the third decade to combat racism and racial discrimination be those adopted by the General Assembly for the first Decade and contained in paragraph 8 of the annex to General Assembly resolution 3057 (XXVIII) of 2 November 1973:

> "The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, dissent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes."

2. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programmes for action which may be considered at this time. The

Secretary-General also took into account the relevant suggestions made by the Committee on the Elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

I. Measures to ensure a peaceful transition from apartheid to a democratic, non-racial regime in South Africa

3. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has in fact already lead to bloodshed.

4. The General Assembly and the Security Council should therefore continue to exercise constant vigilance with regard to South Africa until a democratic regime is installed in that country. These two bodies might, moreover, consider initiating a mechanism to advise and assist the parties concerned in order to bring apartheid to an end not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) of 16 July 1992 urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

5. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid, the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

II. Measures to remedy the legacy of cultural, economic and social disparities left by apartheid

6. Action will be needed to rectify the consequences of apartheid in southern Africa, since the policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could be most useful in promoting equality. Assistance to the victims of the political antagonisms resulting from the process of dismantling apartheid must also be given the greatest attention, and international solidarity on their behalf should be intensified.

7. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars intended to encourage the advent of an egalitarian society could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

(a) Seminar on measures to be taken on behalf of the disadvantaged groups in South African society in the cultural, economic and social fields ("positive discrimination");

(b) Seminar on the effects of racial discrimination on the health of members of disadvantaged groups;

(c) Training courses in human rights for the South African police force, military and judiciary.

8. In addition, and in cooperation with the democratically elected South African Government, the United Nations Educational, Scientific and Cultural Organization (UNESCO) might undertake a project for the total revision of the South African education system in order to eliminate all methods and references of a racist character.

III. Action at the international level

9. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade to Combat Racism and Racial Discrimination, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world. In particular these affect the minorities, ethnic groups, migrant workers, indigenous populations, nomads, immigrants and refugees.

10. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

11. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination could be monitored and improved by requesting an expert member of the Committee on the Elimination of Racial Discrimination to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

12. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

(c) Seminar on the right to equal treatment before tribunals and other judicial institutions, including the provision of reparation for damages suffered as a result of discrimination;

(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(e) Seminar on immigration and racism;

(f) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

(g) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

(h) Seminar on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia) and their link with racism in the host country;

(i) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

(j) Regional seminars on nationalism, ethno-nationalism and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts and particularly of the so-called policy of "ethnic cleansing", in order to provide solutions.

13. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat that it undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

14. The Department of Public Information may also publish its posters for the third decade and informative brochures on the activities planned for the decade. Documentary films and reports, as well as radio broadcasts on the damaging effects of racism and racial discrimination should, moreover, be considered.

15. In cooperation with UNESCO and the Department of Public Information, the General Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

16. In cooperation with the International Labour Organization (ILO), the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

17. The General Assembly could consider requesting UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

18. The General Assembly may also wish to call upon Member States to make special efforts to:

(a) Promote the aim of non-discrimination in all educational programmes and policies;

(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

IV. Action at the national and regional levels

19. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples etc.? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

20. The General Assembly may wish to recommend States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

21. The General Assembly could recommend Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups, and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

22. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

23. The General Assembly could recommend regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Regional organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

V. Basic research and studies

24. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The General Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

(b) Study of the economic factors contributing to perpetuation of racism and racial discrimination;

(c) Integration or preservation of cultural identity in a multiracial or multi-ethnic society;

(d) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

(e) Study of civil rights, including migration, nationality and freedom of opinion and association;

(f) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(g) Studies of the socio-economic costs of racism and racial discrimination;

(h) Global integration and the question of racism and the nation State;

(i) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

VI. Coordination and reporting

25. It may be relevant to recall that in its resolution 38/14 of 22 November 1983 proclaiming the Second Decade to Combat Racism and Racial Discrimination, the General Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

26. Furthermore, an inter-agency meeting might be organized immediately after the proclamation of the third decade, in 1994, with a view to planning working meetings and other activities.

VII. Regular system-wide consultations

27. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to

review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

28. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

29. Should the General Assembly approve the suggested elements of the programme of action for the third decade, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995.